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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/801,364	03/16/2004	Qingfa Huang	14687-0001	3158
3490	7590	11/02/2006	EXAMINER	
DOUGLAS T. JOHNSON MILLER & MARTIN 1000 VOLUNTEER BUILDING 832 GEORGIA AVENUE CHATTANOOGA, TN 37402-2289			MORGAN JR, JACK HOSMER	
			ART UNIT	PAPER NUMBER
			3782	
DATE MAILED: 11/02/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/801,364

Applicant(s)

HUANG ET AL.

Examiner

Jack H. Morgan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 June 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Priority***

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in The Peoples Republic of China on May 22, 2003. It is noted, however, that applicant has not filed a certified copy of the Chinese application as required by 35 U.S.C. 119(b).

### ***Drawings***

2. The drawings are objected to because the lead line for part 1 in figure 1 is not complete, ending in midair. In addition, figure 2 is also objected to, because it has an extra lead line below reference numeral 23. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as

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either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

3. The disclosure is objected to because of the following informalities: The curved design described in paragraph [00019] is not shown in figure 3. It is not explicitly shown in any figures, but figure 2 seems to show it better than figure 3.

Appropriate correction is required.

### ***Claim Objections***

4. Claim 5 is objected to because of the following informalities: the phrase "axis perpendicular to a perpendicular axis extending perpendicularly through a back of a user" is objected to as being needlessly confusing. The examiner believes a better phrase would be --axis parallel to the back of a user--. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-6, 8 and 10-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Schmid (DE 29712815). Schmid discloses a backpack (see fig 3, also next page) with a front side and shoulder straps, also having an umbrella support having a top with a holder and an umbrella releasably connected to the holder, where the holder is tilted towards the front side of the backpack at an angle.

In regards to claims 2 and 10, the umbrella support is a round bar, thus having a curved front surface that conforms to the shape of a back. The front of the backpack is made of canvas, so it naturally takes the form of the back it is resting on.

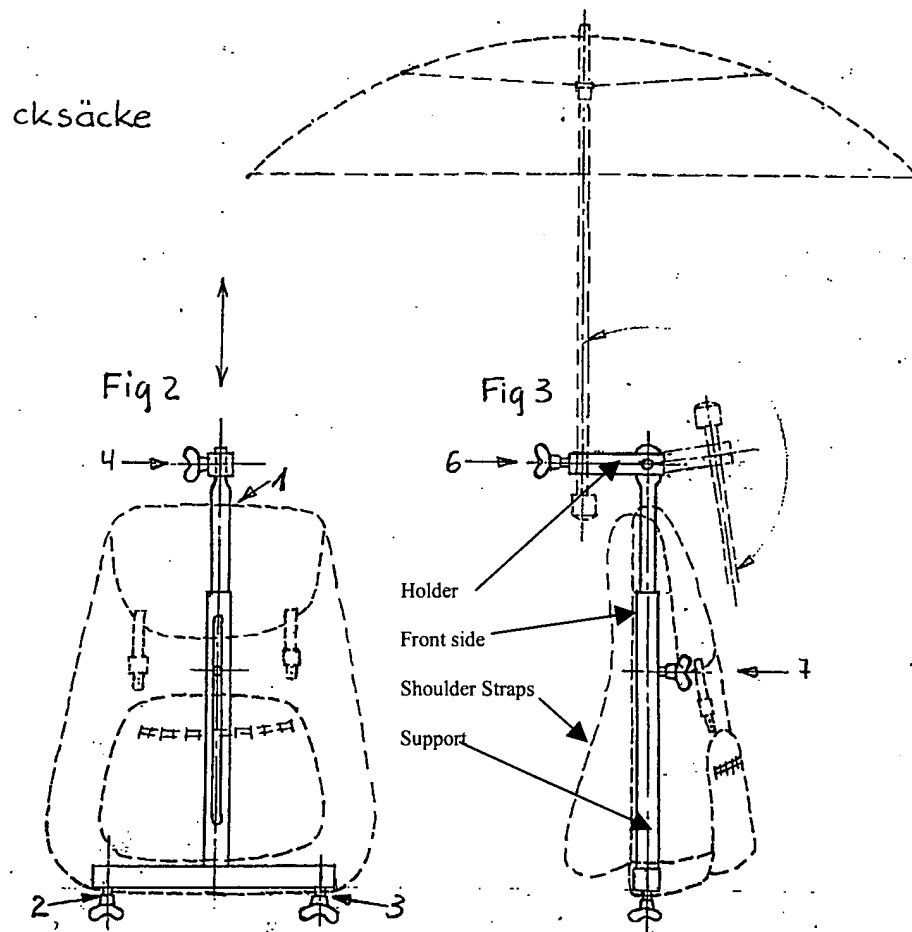
In regards to claim 3, the angle of the holder is not set to a certain degree, thus being able to be in a range of 5 to 20 degrees.

In regards to claims 4 and 8, the umbrella handle and holder are connected by screwing (6).

In regards to claim 5, the umbrella holder is parallel to the back of a user.

In regards to claim 6, the umbrella support is installed in a slot within the backpack.

In regards to claims 11 and 12 the umbrella support is connectedly secured to the backpack by screws (2 and 3)



### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schmid (DE 29712815) in view of Iguchi (JP 09056435). Schmid discloses all the limitations of the claim except for a cover for the slot which the umbrella support is mounted in. Iguchi

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discloses a backpack umbrella support (fig 1) with a slot (3) to mount an umbrella (4) in, said slot having a cover which is used to close said slot when the umbrella is not in use. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to create the backpack umbrella holder of Schmid with the cover of Iguchi in order to close the slot the umbrella support is mounted in when the support was not being used to hold an umbrella.

7. Claims 9 and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schmid (DE 29712815) in view of McGuire et al. (US 6,293,449). Schmid discloses all the limitations of the claims except for the umbrella handle having a hole tapped to receive threads and a holder having threads. McGuire et al. disclose a tool support(10) with a holder (12) which has threads (14) which cooperate with a hole on the tool being held (16) in order to removably attach said tool to said support. It would be obvious to one of ordinary skill in the art at the time the invention was made to replace the holding mechanism of Schmid in favor of the threaded holder of McGuire et al. in order to attach Schmid's umbrella to the backpack support by a threaded attachment member.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Cumptson (US 903,682), Ward et al. (US 6,053,385), Christie (US 6,308,722) and Bradshaw et al (US 10/342,065 now patent US 6,695,188).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jack H. Morgan whose telephone number is 571-272-3385. The examiner can normally be reached on M-Th 8-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on 571-272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
NATHAN J. NEWHOUSE  
SUPERVISORY PATENT EXAMINER

Jack Morgan  
AU 3782  
October 30, 2006